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Attorneys for Plaintiff and Counter-Defendant CENTOCOR ORTHO BIOTECH,
INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY
GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL
SERVICES, INC.

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CENTOCOR ORTHO BIOTECH,
INC.,

Plaintiff,

v.

GENENTECH, INC. and CITY OF
HOPE,

Defendants.

AND RELATED COUNTER AND
THIRD-PARTY ACTIONS.

Case No. CV 08-03573 MRP (JEMx)

**APPLICATION TO FILE UNDER
SEAL DOCUMENTS RELATING
TO CENTOCOR ORTHO
BIOTECH, INC. AND ITS
COUNTER-DEFENDANT
AFFILIATES' REPLIES IN
SUPPORT OF MOTIONS FOR
SUMMARY JUDGMENT, MOTION
FOR CONSTRUCTION OF CLAIM
TERM AND RESPONSE TO
DEFENDANTS' CROSS-MOTION
FOR SUMMARY ADJUDICATION**

Date: August 17, 2010
Time: 11:00 A.M.
Ctvm: 12

FILED
2010 AUG -3 PM 3:47
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: *[Signature]*
Lodged Prop Order

1 Pursuant to Local Rule 79-5.1, Plaintiff Centocor Ortho Biotech, Inc.
2 (“Centocor”) and its Cross-Defendant Affiliates seek leave to file the following
3 documents under seal:

- 4 1. Centocor Ortho Biotech, Inc.’s and its Counter-Defendant Affiliates’
5 Reply in Support of Their Motion for Summary Judgment of No Willful
6 Infringement (Motion No. 1).
- 7 2. Centocor Ortho Biotech, Inc.’s and its Counter-Defendant Affiliates’
8 Response to Defendants’ Statement of Undisputed Facts in Support of
9 Centocor’s Motion for Summary Judgment of No Willful Infringement
(Motion No. 1)
- 10 3. Reply in Support of Centocor Ortho BioTech, Inc. and its Cross
11 Defendant Affiliates’ Motion for Summary Judgment of No
12 Infringement of Claim 33 (Motion No. 3) and Response to Defendants’
13 Cross Motion for Summary Adjudication.
- 14 4. Response to Defendants’ Statement of Undisputed Facts and
15 Conclusions of Law in Support of Centocor’s Motion for Summary
16 Judgment of No Infringement of Claim 33 (Motion No. 3) and Response
17 to Defendants’ Statement of Facts in Support of Their Cross Motion for
18 Summary Adjudication.
- 19 5. Centocor Ortho Biotech, Inc.’s and its Counter-Defendant Affiliates’
20 Reply in Support of Their Motion for Summary Judgment of Invalidity
21 of Claim 33 for Failure to Comply with 35 USC § 112 (Motion No. 4).
- 22 6. Centocor Ortho Biotech, Inc.’s and its Counter-Defendant Affiliates’
23 Response to Defendants’ Statement of Undisputed Facts in Support of
24 Centocor’s Motion for Summary Judgment of Invalidity of Claim 33 for
25 Failure to Comply with 35 USC § 112 (Motion No. 4).
- 26 7. Centocor Ortho Biotech, Inc.’s and its Counter-Defendant Affiliates’
27 Reply in Support of Their Motion for Summary Judgment of
28 Anticipation (Motion No. 5).
8. Centocor Ortho Biotech, Inc.’s and its Counter-Defendant Affiliates’
Response to Defendants’ Statement of Undisputed Facts in Support of
Centocor’s Motion for Summary Judgment of Anticipation (Motion No.
5).

9. Centocor Ortho Biotech, Inc.'s and its Counter-Defendant Affiliates' Reply in Support of Their Motion for Summary Judgment That Claim 33 is Invalid for Failure to Disclose the Best Mode (Motion No. 6).
10. Centocor Ortho Biotech, Inc.'s and its Counter-Defendant Affiliates' Response to Defendants' Statement of Undisputed Facts in Support of Centocor's Motion for Summary Judgment That Claim 33 is Invalid for Failure to Disclose the Best Mode (Motion No. 6).
11. Second Declaration Of Matthew A. Pearson In Support Of Centocor Ortho Biotech, Inc.'s and Its Counter-Defendant Affiliates' Replies To Their Motions For Summary Judgment, Motion For Construction Of Claim Term "Immuloglobulin" and Response To Defendants' Cross Motion For Summary Adjudication.
12. Exhibit 47 to the Second Declaration of Matthew Pearson: Defendants' deposition exhibit DX140 showing Cabilly/Genentech Royalty Payments.
13. Exhibit 48 to the Second Declaration of Matthew Pearson: Excerpts from the April 30, 2010 deposition of Sean Johnston, Ph.D., Esq.
14. Exhibit 49 to the Second Declaration of Matthew Pearson: Order Denying Centocor's Motion for Summary Judgment.
15. Exhibit 51 to the Second Declaration of Matthew Pearson: April 30, 2010 Supplemental and Amended Responses to Genentech Interrogatories (Nos. 12-15, 18 & 20).
16. Exhibit 52 to the Second Declaration of Matthew Pearson: Genentech's Deposition Exhibit 62, a May 11, 2006 letter from Kenneth J. Dow to Celltech Therapeutics, Ltd.

The documents to be filed under seal contain or reflect confidential business information that is subject to confidentiality provisions. Specifically, the documents cite to and discuss various supporting exhibits which contain confidential details regarding Genentech's pharmaceutical research and development. These exhibits,

1 cited and referenced in the documents have been designated as Confidential pursuant
2 to the terms of the Protective Order.

3 Also, balancing the potential harm to Centocor, Genentech and third parties if
4 the sensitive business information is released into the public with the relatively low
5 public harm for nondisclosure of this information favors prohibiting disclosure.

6 For the foregoing reasons, Centocor respectfully requests that the Court grant
7 this Application and order the aforementioned documents be filed under seal.

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9 Dated: August 3, 2010

Respectfully submitted,

10 CONNOLLY BOVE LODGE & HUTZ LLP

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12 By:  _____

Keith D. Fraser

13 Attorneys for Plaintiff CENTOCOR ORTHO
14 BIOTECH, INC. and Third-Party Defendants
15 GLOBAL PHARMACUETICAL SUPPLY
16 GROUP, LLC, CENTOCOR BIOLOGICS, LLC
17 and JOM PHARMACEUTICAL SERVICES,
18 INC. LLC and JOM PHARMACUETICAL
19 SERVICES, INC.
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